

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA, for the Use  
and Benefit of D&D CONSTRUCTION I, INC.,  
A Washington corporation,

Plaintiff,

v.

FIDELITY & DEPOSIT COMPANY OF  
MARYLAND, a Maryland corporation,

Defendants.

No. 3:23-cv-05308-BHS

**STIPULATED ORDER FOR  
ADDITIONAL STAY**

**NOTE ON MOTION CALENDAR  
Thursday, November 16, 2023**

PLAINTIFF United States of America, for the Use and Benefit of D&D Construction I, Inc. (“D&D Construction” or “Plaintiff”) and Fidelity & Deposit Company of Maryland (“Defendant”) hereby submit the following Stipulated Motion to Stay.

On May 8, 2023 the parties jointly moved for a 60-day stay of all case deadlines. (Dkt. No. 7). Again, on July 13, 2023, the parties jointly moved for an additional stay of 90 days. (Dkt. No. 11). The basis for the two requested stays was to allow the Parties to engage in settlement discussions and negotiations on D&D’s claim. The parties continue to await the action of a third party not yet a part of this action, the owner of the contract at issue, the U.S. Army Corps of Engineers (“USACE”).

On October 26, 2023, Fidelity filed its own status report and request for stay. (Dkt. No. 13).

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1 Although D&D Construction did not oppose this motion, the parties now jointly stipulate an additional  
2 stay while they await action by USACE. Fidelity withdraws its previous Request for Additional Stay  
3 (Dkt. No. 13).

4 Accordingly, the parties jointly move this Court for an additional stay of all deadlines,  
5 including the answer and responsive pleading deadline, and all other case deadlines for an additional  
6 ninety (90) days. At the end of the stay, the parties will update the Court on the status of the dispute.

7  
8 DATED this 16<sup>th</sup> day of November, 2023

9  
10 GORDON THOMAS HONEYWELL LLP

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17 *Counsel for Defendant*

**ORDER**

Good Cause Appearing, this Case and all deadlines shall be extended and stayed for a period of ninety (90) days.

DATED this 16th of November, 2023.



BENJAMIN H. SETTLE  
United States District Judge

Presented by:

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s/ Emily A. Yoshiwara

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date I caused to be served the foregoing on the following  
counsel of record by the method indicated:

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***Attorney for Plaintiff D&D Construction I,  
Inc.***

Dated this 16<sup>th</sup> day of November, 2023.

/s/ Rachel Leigh

Rachel Leigh, Legal Assistant